

REMARKS

Claims 1-41 are now pending in this application. Claims 1-14 are currently amended. The following remarks are in response to the Office Action mailed December 10, 2003.

Claims 1-5 are rejected in the Office Action under 35 U.S.C. § 103 as unpatentable over U.S. Pat. No. 5,995,947, to Fraser et al. ("Fraser") in view of "Merrill Lynch Credit Corporation(1981)('MLCC') and further in view of Merrill Lynch ('ML')." This rejection is respectfully traversed.

First, Applicants respectfully submit that the asserted prior art (aside from Fraser) is not sufficiently identified. 37 CFR 1.104 requires the Patent Office to identify non-patent prior art references by "author (if any), title, date, pages or plates, and place of publication, or place where a copy can be found." That information (other than titles) was not provided in the Office Action or the Notice of References Cited attached thereto.

Enclosed with the Office Action are a number of pages printed from the Internet in December 2003. Two pages (printed on 12/2/03 at 8:29 PM) are captioned "Merrill Lynch Credit Corporation," and hand-numbered with the numbers 1 and 2 encircled. There are other pages, numbered 3-8 (printed on 12/3/03 at 6:30 AM), which Applicants suspect may be intended by the Patent Office to be part of the MLCC reference. If that is the case, confirmation from the Patent Office is respectfully requested. In the meantime, Applicants will, in this Response, assume that to be the case. Further, there are 5 other pages (numbered 1-5) included with the Office Action that Applicants assume are intended by the Patent Office to correspond to the cited "ML" reference. If that is the case, Applicants again request confirmation, so that the record is clear.

Next, Applicants respectfully submit that the Office Action insufficiently identifies the alleged statutory grounds for rejection. 35 U.S.C. § 103(a) is cited, but without a citation to the corresponding section of 35 U.S.C. § 102 (or an analogous stated ground for rejection). Applicants are left to guess whether the non-patent references are alleged to be prior art publications under 102(a) or (b), for example, or whether they are cited on some other alleged basis. This uncertainty impedes Applicants' ability to efficiently respond to the Office Action.

Further, the non-patent references all apparently were printed in December 2003, and Applicants have been unable to discern any other publication dates printed thereon. Thus, Applicants respectfully ask the Patent Office to clearly state the grounds that allegedly qualify the cited non-patent references as prior art under 35 U.S.C. § 102. In particular,

Applicants request that the Patent Office provide an alleged date of publication for each cited non-patent reference.

In any event, even though the non-patent references have not been properly identified and the alleged cause of their being alleged prior art has not been provided, Applicants respond herein as best they can, based on the assertions made in the Office Action itself and the content of the papers provided therewith.

Applicants respectfully submit that the Patent Office has misperceived the nature of the claimed invention. The invention to which claim 1, for example, is directed, is a method for providing "front-end" or "front-office" services – not "back-office" services such as actually processing a mortgage application. As the claim indicates, the method is directed to collecting certain (very specific) information from a user, then (based on that information) providing the user with information regarding mortgage and/or credit options that correspond to the user's needs. All of the steps recited in claim 1 typically occur *before* a potential borrower has applied, or even decided whether to apply, for a loan.

In contrast, Fraser is directed to a method for processing loan applications and eventually trading the resultant loans by placing them up for bid by lenders. See Fraser, Abstract. As shown in Fig. 2 of Fraser, on which the Office Action primarily relies, step 221 (the first step) is the borrower submitting a loan application. See also Fraser, column 9, lines 36-44. All subsequent steps relate to processing that application and eventually auctioning the resultant loan. See, for example, Fraser, column 2, lines 12-31. Thus, Fraser does not disclose providing pre-application services such as those encompassed by claim 1 of the present application.

Similarly, the MLCC reference (as Applicants understand that citation, and treating it as prior art) describes an automated workflow for processing loans (see, for example, page 3 of 6 in the 12/3/03 6:30 AM document). Again, all of the steps described therein typically occur *after* a potential borrower has applied for a loan. Its operation is fundamentally directed to a different problem with a distinct solution thereof.

Lastly, the ML reference (as Applicants understand that citation, and treating it as prior art) mentions pre-application advising, but only in the context of consulting with human advisors. See, for example, page 1 of 3 of the 12/3/03 6:14 AM document: "A dedicated team of Private Liquidity Advisors will work closely with you and your Financial Advisor to design a securities-based lending solution tailored to your specific needs."

The Office Action cites an extensive list of features that Fraser allegedly discloses. But absent from that list are the limitations of the pending claims. For example, claim 1 comprises a step of selectively providing information concerning a plurality of mortgage and/or credit programs to an Internet-connected user. The Office Action does not say that Fraser discloses this step, and Fraser does not appear to do so. Nor do MLCC or ML.

Also, claim 1 comprises a step of receiving from a user an indication of whether the user wishes to explore home purchase options or home equity loan options. The Office Action does not say that Fraser discloses this step, and Fraser does not do so. Nor do MLCC or ML. The same holds true for the remaining steps of claim 1 – the Office Action fails to allege that they are disclosed by the cited references, and they are not disclosed by those references.

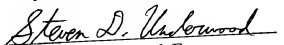
In other words, the Office Action does not support the rejection of claim 1. A rejection of claim 1, or any other claim, requires a showing that *every* element of the claim is disclosed or suggested in the prior art. Applicants have been unable to discern in the Office Action an assertion that *any* of the steps described in claim 1 are disclosed in the cited references.

Although only claim 1 is discussed above, the same facts and arguments apply to claims 2-41.

All claim rejections are believed to have been overcome by this Response. All pending claims are therefore believed to be allowable, and a prompt Notice of Allowance would be appreciated.

No fee is believed to be due with this Response. However, if any fee is due, please charge that fee to Deposit Account No. 50-0310.

Respectfully submitted,


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